

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND (Providence)

In Re: Thomas Raymond Lamoureux	Case Number 1:24-bk-10549 Chapter 7
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**MOTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
ARGENT SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES,
SERIES 2003-W6 FOR RELIEF FROM THE AUTOMATIC STAY AND FOR LEAVE
TO FORECLOSE MORTGAGE AND MEMORANDUM IN SUPPORT THEREOF**

Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2003-W6 (hereinafter referred to as the “Movant”), a secured creditor, hereby moves this Court for Relief from the Automatic Stay pursuant to Bankruptcy Rules 4001 and 9014 and 11 U.S.C. Section 362(d) and for leave to foreclose a certain mortgage encumbering the property owned by the Debtor, known as *115 A&B Victory Street, Cumberland, RI 02864*. In support of this Motion, Movant states as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. 1334 and 28 U.S.C. 157(b)(2)(G). This case relates to a case under Title 11 of the United States Code (the “Bankruptcy Code”). This proceeding is a “core” proceeding as this term is defined in the Code.
2. On August 8, 2024, Thomas Raymond Lamoureux (a/k/a Thomas Lamoureux a/k/a Thomas R. Lamoureux; hereinafter referred to as the “Debtor”) filed a voluntary Chapter 7 Petition in Bankruptcy.
3. Movant is the current holder of a certain mortgage given by the Debtor to Dream House Mortgage Corp in the original principal amount of \$178,500.00 dated August 22, 2003, and recorded with the Town of Cumberland Land Evidence Records in Book 1149, Page 288 (the “Mortgage”). A copy of the Mortgage is attached hereto as Exhibit A.
4. The Mortgage secures a promissory note of even date and original principal amount given by the Debtor to Dream House Mortgage Corp (the “Note”) of which Movant is the current holder. A copy of the Note is attached hereto as Exhibit B.
5. Dream House Mortgage Corp assigned the Mortgage to Argent Mortgage Company, LLC by assignment dated December 19, 2006, and recorded with the Town of Cumberland Land Evidence Records in Book 1370, Page 631, a copy of which is attached here to as Exhibit C. Citi Residential Lending Inc., as attorney-in-fact for Argent Mortgage Company, LLC, in turn, assigned the Mortgage to the Movant by assignment dated January 20, 2009, and recorded with the Town of Cumberland Land Evidence Records in Book 1448, Page 537, a copy of which is attached hereto as Exhibit D. The current loan servicer for the Movant is PHH Mortgage Corporation.

6. The Mortgage encumbers real property known as *115 A&B Victory Street, Cumberland, RI 02864* (hereinafter referred to as the “Property”). Copies of the Mortgage and Note are attached hereto as Exhibits “A” and “B” respectively. The Mortgage is in first lien position. Aside from the Property, there is no other collateral securing the Debtor’s obligation to Movant.
7. The Debtor has defaulted on the Note and Mortgage by failing to make regular payments to Movant.
8. As of October 8, 2024, the balance due Movant on the Note was approximately \$161,568.20 (may not include negative escrow balances or recent escrow advances). The full amount of the Movant’s claim together with allowable post-petition interest, reasonable attorney fees, court costs, and other recoverable expenses is secured by the Mortgage.
9. According to the Debtor’s Schedules, the fair market value of the Property is \$340,000.00. Accepting the Debtor’s valuation for purposes of this motion only, the liquidation value of the Property is \$320,936.00 based upon a usual and customary broker’s commission of \$17,000.00 (5% of stated fair market value), deed stamps of \$1,564.00, and \$500.00 in miscellaneous estimated closing costs.
10. As of October 8, 2024, the Debtor’s mortgage account is due for the August 1, 2024 contractual due date. The current monthly payment is \$1,248.25, subject to such subsequent adjustment as may be specified in the note.
11. As of October 8, 2024, Debtor owed Movant a total contractual arrearage of \$4,943.75 calculated as follows:

- 3 monthly payments (08/01/24 - 10/01/24) at \$1,248.25/mo.	\$3,744.75
- Late Charges	\$1,184.00
- Property Inspection Fee	\$15.00

Total Contractual Arrearage	\$4,943.75¹
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12. In addition to the Mortgage to Movant, there are outstanding liens on the Property as follows:

<u>Lien</u>	<u>Type</u>	<u>Amount</u>	<u>Book/Page</u>
Movant	Mortgage	\$161,568.20 (as of 10/08/24)	1149/288
SLM Financial Corporation	Junior Mortgage	Unknown	1291/489
Cavalry Portfolio Services, LLC a/a/o Cavalry SPV I, LLC a/a/o Sprint	Execution	\$1,619.89	1379/652

¹ As of the date of this Motion, Secured Creditor has incurred approximately \$950.00 in attorney fees and \$199.00 in attorney costs in connection with this Motion. This amount will increase if counsel for Secured Creditor performs additional services for Secured Creditor in connection with this Motion.

Keough & Sweeney Ltd	Execution	\$129,145.52 (*Amount per Debtor's Schedules)	1978/839
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The total of all liens on the Property is approximately \$292,333.61.

13. Movant is entitled to Relief from the Automatic Stay for cause pursuant to Section 362(d)(1) of the Code inasmuch as the Debtor has failed to make regular monthly mortgage payments to the Movant in violation of the terms of the Note and Mortgage.
14. **Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.**

WHEREFORE, Movant requests that this Honorable Court:

- (a) Grant Movant Relief from the Automatic Stay pursuant to 11 U.S.C. Section 362(d) and for leave to Foreclose Mortgage, allowing Movant, its successors or assigns to foreclose said mortgage (including, at its sole option, leave to accept a deed-in-lieu of foreclosure from the Debtor, their heirs, successors, assigns or transferees); and for it or a third party purchaser to prosecute summary process proceedings to evict any persons residing in the Property.
- (b) In the alternative, order Debtor to provide Movant with adequate protection of its claim; and
- (c) Grant such other Relief as this Honorable Court may deem just.

Date: October 16, 2024

Respectfully submitted,
Deutsche Bank National Trust Company, as Trustee for
Argent Securities Inc., Asset-Backed Pass-Through
Certificates, Series 2003-W6
By its attorney,

/s/Paul G. Manning, Jr.

Paul G. Manning, Jr., Esquire

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